IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 8690 of 2007(H)

PETITIONER:

THRESIAMMA IRANI,
W/O.LATE IRANI, NALUTHYCKAL, THYCKAL P.O.,
CHERTHALA.

BY ADV. SRI.T.JAYAKRISHNAN

RESPONDENTS:
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1. ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KERALA STATE ELECTRICITY
BOARD, PATTANAKKADU.

3. KRISHNAN KUNJU,
PIDEAKKAL, THAIKKAL, KADAKKARAPPALLY VILLAGE
(DEAD).

ADDL.4. KARTHYAYANI, W/O. LATE KRISHNAN KUNJU, PEEDIYEKKAL HOUSE,
KADAKKARAPPALLY VILLAGE, THYCKAL P.O.

ADDL.5. KUNJUNNI, SON OF LATE KRISHNAN KUNJU, DO. DO.

ADDL. R4 AND R5 ARE IMPLEAEED AS PER ORDER DATED 17.7.2007 ON I.A.7732/07

BY ADV. SRI.P.P. THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF OBJECTION DATED 29.12.2006 SUBMITTED BY THE PETITIONER IN NO. N2.45594/06 BEFORE FIRST RESPONDENT.

EXT.P2 TRUE COPY OF THE SKETCH SUBMITTED BY THE PETITIONER.

EXT.P3 TRUE COPY OF ORDER PASSED BY THE ADDL. DIST. MAGISTRATE, ALAPPUZHA (1ST RESPONDENT) NO. K.DIS. N2/45594/2006 DATED 28.2.2007

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 8690 OF 2007

Dated this the 17th day of July, 2007

JUDGMENT

Petitioner is challenging Ext.P3 order whereunder the Addl. District Magistrate has approved electric connection to the beneficiary through petitioner's property. I heard counsel for the petitioner and standing counsel appearing for the KSEB. The sketch produced in Court shows that the line approved is only a weather proof line of 32 metres of length out of which only 18 metres passes over petitioner's property. The sketch shows that weather proof line passes over an outside bath room of petitioner's house. Even though weather proof line is harmless and it can be drawn above building retaining a minimum clearance, I feel the request of the petitioner's counsel that the post in the petitioner's property should be shifted in such a way, if possible, to avoid drawing of weather proof line over the bath room of the petitioner's building. In the circumstances, Ext.P3 order of the Addl. District Magistrate is upheld in principle but with direction to the second respondent to shift the post to be relocated in the petitioner's

property in a suitable place to reduce inconvenience to the petitioner to minimum, that is by installing the post in some corner of the property so that weather proof connection can be retained to the petitioner's house and connection can be given to the beneficiary. Petitioner can suggest suitable location for the post to be shifted to reduce inconvenience to minimum possible.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge